

AGE IMMATERIAL

WOMEN OVER 50 IN THE WORKPLACE

A TUC REPORT



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FOREWORD

More women over the age of fifty are working than ever before but the generation of women who blazed a trail for women's equality in the workplace are still struggling to get a fair deal.

Low pay, discrimination, the pressures of juggling caring responsibilities and paid work, and difficulties accessing training opportunities are the key issues facing older women at work. This report considers how things can be improved.

The trade union movement is well-placed to speak up on behalf of these women. The caricature of the average trade union member may still be a middle-aged, white man in a donkey jacket on a picket line, but the reality is somewhat different. The typical trade union member today is more likely to be a woman than a man, and trade union density amongst women is greatest among the 50–59 age group. This is a group of members whose voices all too often go unheard.

The bottom line is that this generation of women has been let down. They entered the workforce in the 1970s or 80s. They were the first generation protected by equal pay and sex discrimination laws and the first to have rights to paid maternity leave. Many returned to work after having children and struggled to combine work with childcare at a time when few employers offered flexible working. But after decades of hard work, many of these women feel short-changed. The fact that this generation of women earns a fifth less than their male counterparts and less than any other age group of women should set alarm bells ringing.



The TUC has put the needs of older women in the workforce at the forefront of its recent campaigning activities, with overwhelming support from our affiliates and the TUC Women's Committee. The TUC and affiliate unions have welcomed the establishment of a Commission on Older Women set up by the Labour Party in 2013. The findings of the Age Immaterial project have fed into the Labour Party's Commission and have arrived at many of the same conclusions.

The costs of ignoring this generation of women are high. This report calls for urgent change: changes in employer attitudes and practices and changes in policy that will ensure that women over 50 finally get a fair deal at work.

Kay Carberry
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on Older Women*

EXECUTIVE SUMMARY

There is much to celebrate about the labour market position of women over 50 in the UK. The employment rate for women in this age group is high compared with many other European countries and it is increasing. The employment rate for women aged between 50 and 64 has increased by 14 percentage points over the last two decades – the greatest increase of any group. Yet many older women will not recognise the rosy picture painted by these headline statistics.

Women over the age of 50 have felt the full force of the spending cuts ushered in by the coalition government in 2010. Half of women aged 50–64 work in the delivery of public services (public administration, education and health) compared to one quarter of women aged 16–25. Redundancies, pay freezes and increased contracting out of services featured prominently in the stories the TUC gathered from older women as part of the Age Immaterial project.

TUC research derived from the 2012 Labour Force Survey found that two in five women over the age of 50 wanted to work fewer hours but anecdotal evidence suggests that negotiating flexible working arrangements is not always as straightforward as it should be and many older women simply cannot afford to reduce their working hours.

Part-time work is prevalent amongst women over 50 but the majority of them earn less than £10,000 per year.

Problems of low pay, lack of job security and weak employment rights are exacerbated for those in precarious forms of work such as zero-hours contracts or agency work.

Older women struggle to access training opportunities, particularly those working part-time, which may be one of the factors making it difficult for them to progress out of low-paid work. Being a woman and working part-time for an extended period increases the likelihood of being low paid over the long term¹.

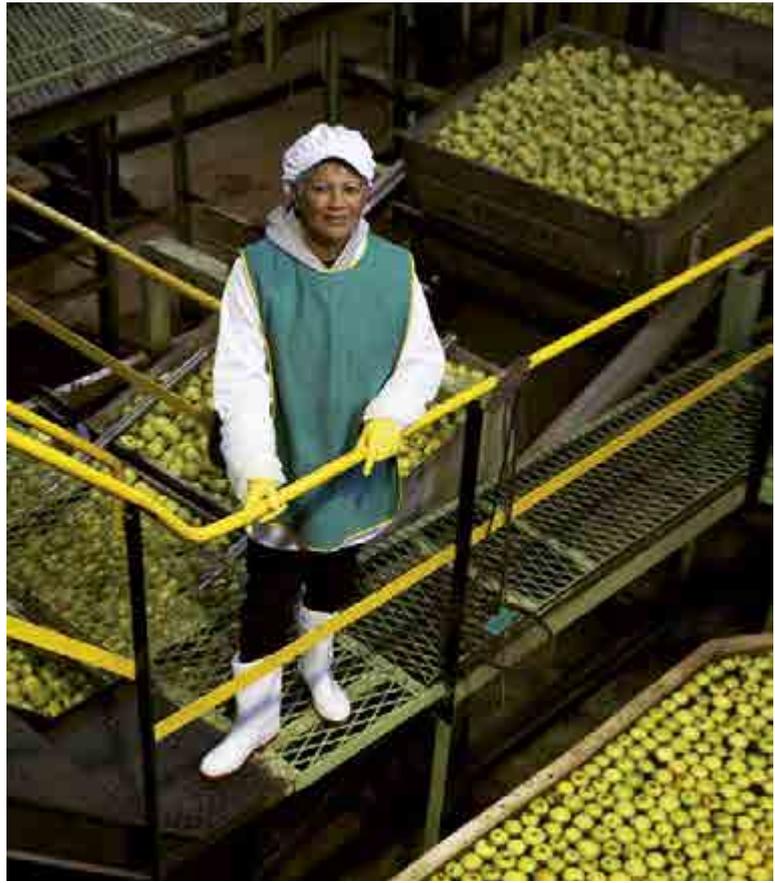
An aging population and cuts to health, social care and childcare services mean that many women, but particularly women over the age of 50, are constantly performing an impossible act of juggling care and paid work.

These pressures can have a negative impact on women's health and older women's health needs are often overlooked in the workplace, from stress and other mental health issues, to the menopause.

Finally, age and sex discrimination is a thread that runs throughout this report, which cannot be ignored.

Chapters 1–8 of this report set out the findings of the Age Immaterial project and policy recommendations, which are summarised here:

- The government must address the range of issues behind women's low pay throughout the course of their working lives. This means ensuring a better supply of well-paid, high-quality, part-time jobs; more genuinely flexible work available as a day-one right; and free universal childcare.
- More employers should adopt the living wage and the national minimum wage should be substantially increased.
- The TUC calls for the expansion of collective bargaining and the exploration of different approaches to sectoral pay bargaining, along the same lines as wages councils.
- Given the high proportion of women over the age of fifty in working in the public sector, the TUC believes it is imperative that the freeze on public sector pay should be lifted.
- Equal pay laws should be made more effective by placing a duty on employers to carry out regular audits of their pay systems and to take action to narrow any gender pay gaps that cannot be justified.
- For carers, the TUC calls for five to ten days of paid carer's leave per year.
- For grandparents, an unpaid leave entitlement similar to parental leave should be introduced.
- The TUC calls for a period of paid statutory 'adjustment leave' and 'bereavement leave' for sudden changes to caring responsibilities and crisis situations.
- The TUC wants employers to advertise all jobs on a flexible basis, and wants public sector employers to take the lead.
- The growing use of zero-hours contracts must be reviewed.
- Those workers on zero-hours contracts who work regular hours should have written contracts guaranteeing them these working patterns on an ongoing basis.
- Zero-hours contract workers who offer increased flexibility for employers should be properly recompensed, including being paid for the time that they are on call for their employer.



“Older women struggle to access training opportunities, particularly those working part-time, which may be one of the factors making it difficult for them to progress out of low-paid work.”

- Workers on zero-hours contracts, agency workers, freelancers and home workers should be entitled to the same floor of rights. This should include all family-friendly rights, including the right to request to work flexibly, and protection from unfair dismissal.
- Enforcement of statutory rights for all vulnerable workers must be improved.
- The TUC calls for an extension of collective bargaining. All vulnerable workers should have easy access to trade union representation.



- Employers should ensure that training opportunities are available to all and that older women are not discouraged or blocked from developing their skills.
- Employers should do more to ensure that specific health and safety concerns relating to older women are well managed in the workplace. Managers should receive training on stress, mental health and the menopause. Sickness absence procedures and working time arrangements should be flexible enough to cater for menopause-related sickness absence. Women should experience no detriment because they may need time off during this time. Risk assessments should consider the specific needs of older women, particularly in relation to the menopause.
- In order to ensure that women who face discrimination in the workplace due to their age and sex are able to seek justice, employment tribunal fees must be removed.
- To raise awareness of the combined age and sex discrimination older women often face, the Equality Act 2010 should be amended to enable all kinds of combined discrimination claims.

“An aging population and cuts to health, social care and childcare services mean that many women, but particularly women over the age of 50, are constantly performing an impossible act of juggling care and paid work.”

INTRODUCTION

The world of work and the demographic composition of the labour force have changed beyond recognition over the course of the last fifty years. Even in the space of a generation, working lives, gender roles and cultural expectations about women have changed dramatically. Women are working for longer than ever – some because they can't afford not to, some because they enjoy working and don't want to stop.

In 2013, the TUC embarked on a project called Age Immaterial. The objective was to examine the issues facing women over fifty in the workplace and to create an evidence base for policy proposals relating to this often overlooked group. The project encompassed social media, polling, surveys of union members, case studies, and focus groups. In March 2013, a new blog site² was launched, providing a new platform to talk about issues facing women over 50. Nearly one year on, the site has hosted blogs on issues ranging from portrayals of older women in film, representation of women over 50 on television, the menopause, juggling care and work, pay, and the impact of public spending cuts on older women.

In October 2013, the TUC commissioned a YouGov poll³ to gather information about parents' and grandparents' caring responsibilities. The TUC also carried out an online survey of union members over the age of 50 to gather information about caring and work. This survey generated over 5,000 responses which painted a detailed picture of the pressures facing older women union members with caring responsibilities.

The TUC also worked with Grandparents Plus to carry out focus groups in May 2013 which explored the views of both parents and grandparents in relation to the regular childcare many grandparents provide.

One of the first challenges presented by this project was defining who should be included in the scope of the work. The TUC represents six million workers in 54 trade unions, of whom approximately half are women. Therefore, our focus is on the experiences of older women in the workforce. It was important to define the age group, as the term 'older' is relative and subjective and may connote different things to different audiences. As the focus is on women in the workforce, this report focuses on women in the later stages of their working lives – aged 50 to retirement. Wherever the word 'older' is used in this report it is referring to this cohort.

As many of the women that were surveyed or interviewed as part of this project were at pains to point out, while this group may share the same gender and age, they are not a homogeneous group and are as diverse as any other group of workers. The number of economically active women aged 50+ stands at some 4.2 million⁴. That is more than four million women of different ethnic, faith, and socio-economic backgrounds, different family and marital status, disabled and non-disabled women, and lesbian, bisexual and straight women, spread across all industries in every corner of the country.

It is clear that there cannot be a 'one size fits all' approach to policies relating to older working women and their diverse experiences and challenges need to be recognised. Nevertheless, this report presents a range of recommendations, based on the research and voices the TUC heard through its Age Immaterial project, that it believes are likely to benefit many older working women if implemented.

CHAPTER 1

OLDER WOMEN IN THE LABOUR MARKET

Changes in state pension age mean that women are working for longer than ever before. While for many women working for longer is an attractive prospect – particularly for those women with fulfilling jobs which are not too physically demanding and which allow a degree of flexibility and autonomy – for others it is a burden and a financial necessity.

THE CHANGE OVER 20 YEARS

Although older women are still disadvantaged in the contemporary labour market, this should not obscure the substantial improvements that have taken place in recent decades.

In the past 20 years, over-50s have accounted for 72 per cent of the growth in women's employment.⁵ The growth in the number of older women in work is partly accounted for by an increase in the over 50 population, but this group has also seen the largest increase in its employment rate.

There has been a marked 14.1 percentage point increase in the employment rate for women in the 50–64 age group and the employment gap between these women and those in younger age groups has narrowed substantially.

This rise in employment for older women has been accompanied by a complementary fall in economic inactivity (people who are neither in work nor actively looking for work). In 1992, 50.7 per cent of women in the 50–64 age group were economically inactive; twenty years later, this figure had fallen to 36.8 per cent.

Note: Data in Figure 1 and Tables 1–5 are taken from the ONS Labour Force Surveys 2012 and 2013.



“The thought of being a practising physiotherapist at 67 scares me. I feel exhausted now, physically and mentally.”⁶

“I will have to carry on working [past State Pension Age] even though it is a physically tiring job, as money will be too tight not to.”⁷

THE CHANGE SINCE 2008

While the labour market position of older women may have improved over the last two decades, the dominant story in recent years has been the recession of 2008–9 and the combination of stagnation and recession since 2010. Understanding what has happened to older women in these years requires a little detective work – figures that at first seem to continue the positive long-term story actually are the result of the rising state pension age for women.

The government has argued that the declining number of economically inactive women is a sign of labour market strength.⁸ But discussions about what is happening to women's employment can be confused because the age range 16–64 is often described as 'working age'. Of course, for men, this is perfectly accurate, but women's state pension age is currently 61 and has been rising in stages since 2010. So there are a considerable number of women in this 16–64 'working age' group who are actually pensioners.

FIGURE 1: ECONOMICALLY INACTIVE WOMEN OVER 50 (000s)

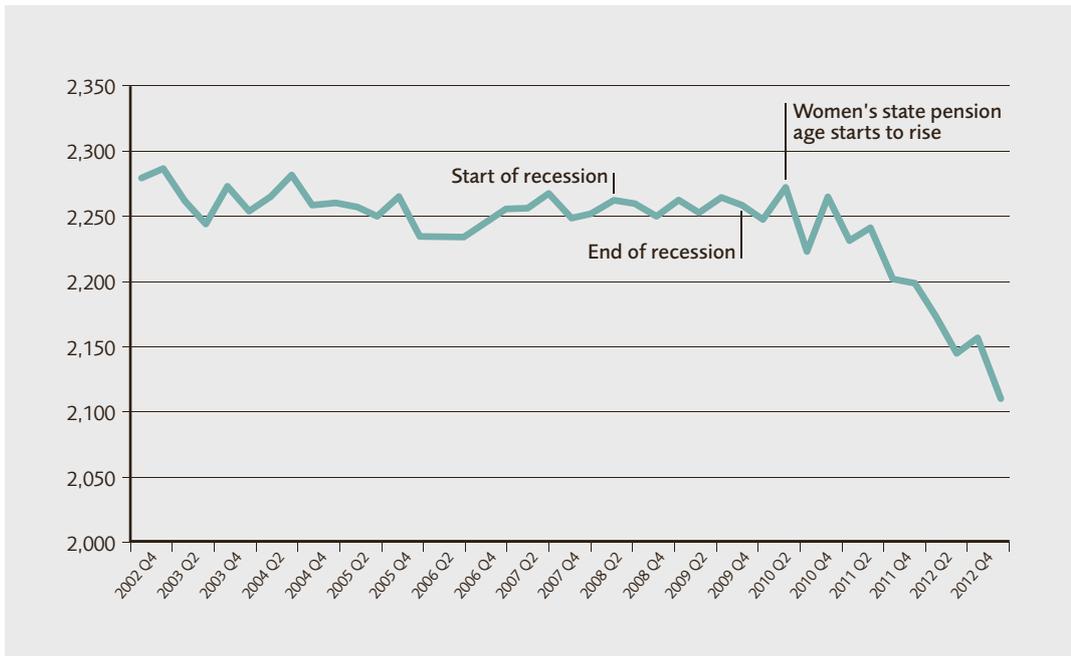


Figure 1, above, looks at what has been happening to the number of economically inactive older women over a ten-year period. Economic events – such as the start of the recession in the second quarter of 2008 or the recovery from late 2009 – are not associated with significant changes. But the raising of women's state pension age in stages from spring 2010 is associated with a big decline in inactivity.

The economically inactive includes people who are not unemployed and not actively seeking work at the present time but would like a job. If the reduction in women's inactivity was because of a strong labour market, one would expect there to be a decline in this group. In fact, the change has been in the opposite direction (see Table 1).

TABLE 1: ECONOMICALLY INACTIVE WOMEN WHO WANT AND DO NOT WANT A JOB (000s)

Period	Does not want a job	Wants a job	Total
Sep-Nov 2008	4,619	1,254	5,873
Sep-Nov 2013	4,299	1,346	5,645
Change	-320	92	-228

TABLE 2: REASONS FOR ECONOMIC INACTIVITY OF WOMEN AGED 16-64 (000s)

Period	Total	Students	Looking after family/home	Temp sick	Long-term sick	Retired	Other
Sep-Nov 2008	5,873	1,012	2,139	88	1,056	1,094	463
Sep-Nov 2013	5,644	1,121	2,063	94	992	883	466
Change	-229	109	-76	6	-64	-211	3

TABLE 3: WOMEN'S EMPLOYMENT BY INDUSTRY AND AGE GROUP, 2012 (%)

Profession	16-24	25-49	50-64	Total
Managers, directors and senior officials	2	8	8	7
Professional	7	24	20	20
Associate professional and technical	8	15	10	13
Administrative and secretarial	14	17	23	18
Skilled trades	1	2	3	2
Caring, leisure and other	21	15	15	16
Sales and customer service	25	9	9	11
Process, plant and machine operatives	1	2	2	2
Elementary	21	8	10	11
Total	100	100	100	100

“Older women are therefore more likely to lose their jobs as a result of the government’s public sector cuts than other groups.”

The final indication that the raising of women's state pension age is the key factor behind the decline in inactivity is to be found in the data on reasons for 'economic inactivity'. In fact, the fall in the number of women under 65 who give retirement as the main reason for their inactivity is equal to more than half the total fall in inactivity (see Table 2 on page 9).

PATTERNS OF EMPLOYMENT

Table 3, above, shows three broad age groups and the proportions employed in major occupational groups in 2012. Older women are significantly more likely to be employed in administrative and secretarial occupations than other women, but otherwise the similarity to the 25-49 age group is the most noticeable feature.

Twenty-three per cent of older women are employed in administrative and secretarial occupations compared with 18 per cent of all women.

Older women are heavily concentrated in public administration, education and health. Over half of all older women work in this category, a significantly higher proportion than for other age groups (see Table 4).

Older women's redundancies have been very heavily concentrated in this category too. Nearly half of older women's redundancies were in public administration, education and health in 2012, compared with 27 per cent of all women's redundancies (see Table 5).

Older women are therefore more likely than other groups to lose their jobs as a result of the government's public sector cuts. Austerity is a real and serious threat to older women and their families.



TABLE 4: WOMEN'S EMPLOYMENT BY INDUSTRY AND AGE GROUP, APR-JUN 2012 (%)

Profession	16-24	25-49	50-64	Total
Agriculture, forestry and fishing	0.4	0.5	0.9	0.7
Manufacturing	3.4	5.8	5.1	5.3
Construction	0.8	1.9	2.0	1.8
Distribution, hotels and restaurants	41.5	16.8	17.4	20.3
Transport and communication	3.7	4.6	3.7	4.2
Banking and finance	13.3	17.3	13.2	15.7
Public admin, education and health	25.5	46.8	52.0	45.2
Other services	10.8	5.5	5.2	6.2
Total	100	100	100	100

TABLE 5: WOMEN'S REDUNDANCIES BY INDUSTRY AND AGE GROUP, APR-JUN 2012 (%)

Profession	16-24	25-49	50-64	Total
Agriculture, forestry and fishing	0.0	1.5	0.0	0.8
Manufacturing	13.0	13.0	3.4	10.6
Construction	12.5	5.6	0.0	5.7
Distribution, hotels and restaurants	37.2	23.3	18.5	25.1
Transport and communication	3.7	8.2	6.8	6.9
Banking and finance	22.6	20.0	12.2	18.5
Public admin, education and health	11.1	23.0	49.2	27.1
Other services	0.0	5.4	10.0	5.4
Total	100	100	100	100

72%

The percentage increase contributed by the over 50s in the growth of women's employment in the past 20 years



CHAPTER 2

PRECARIOUS WORK

While zero-hours contracts and other forms of precarious work such as agency work are not new phenomena, they do appear to be on the rise and they are a feature of many women's working lives and a recent survey by the Chartered Institute for Personnel and Development⁹ found that zero-hours contracts were most prevalent among under-25s and over-55s.

The same research found that the job roles which were most likely to be on zero-hours contracts were cleaners, care and social workers, administrative roles, call centre workers, teachers, cooks and nurses. A strong correlation can be seen between these roles where zero-hours contracts are more likely to be used and roles which are typically 'women's work'. Retail is just one example of a sector with a large proportion of women employees over the age of 50 where zero-hours contracts are becoming increasingly common.

While some employers may claim that they use this type of contract for the benefit of the workforce because it affords employees greater flexibility¹⁰, the reality is that employees often have limited flexibility in arranging their working hours or shifts to suit them and they may even be penalised for not accepting work when it is offered. According to the CIPD research, 23 per cent of women, compared with 17 per cent of men, had been penalised for not being available to work when the employer requested.

Fluctuations in income and working hours associated with agency work and zero-hours contracts are particularly difficult to manage for those with caring responsibilities. CIPD research found that 75 per cent of workers on zero-hours contracts said their income varied from week to week and 42 per cent got 12 hours or less notice of work.

CASE STUDY: SUSAN'S STORY

Susan works in adult social care – a female-dominated sector that has become increasingly casualised in recent years. Figures released by the Department of Health in 2013¹¹ revealed that over 300,000 people employed in social care are on zero-hours contracts.

Three years ago the care service Susan works for was outsourced and her hours massively reduced.

"I went from being guaranteed 30 hours a week to being moved on to a zero-hours contract that guaranteed none. After a long fight I was made staff again but I can only get 23 hours a week now even though I want to work more."

Susan says that many women in social care, especially older carers, have become trapped in part-time roles.

"Social care is being run by for-profit companies who want carers to be at their beck and call. Rather than employing fewer people on sensible rotas they have large pools of casual staff they can call on when they want. This gives the company greater flexibility but means there is less work to go around.

"If I could get back the seven hours I lost, I would be over £300 a month better off. That would improve my standard of living greatly."



300,000

The number of people employed in social care who are on zero-hours contracts

RECOMMENDATIONS

In practice many workers on zero-hours contracts work regular hours. The TUC believes that they should have written contracts guaranteeing them these working patterns on an ongoing basis.

Zero-hours contract workers who offer increased flexibility for employers should be properly recompensed, including being paid for the time that they are on call for their employer.

Currently many zero-hours workers lose out on basic workplace right due to the transient nature of their employment and the uncertain nature of their employment status. The TUC believes that all economically dependent workers, including zero-hours workers, agency workers, freelancers and home workers should be entitled to the same floor of rights. This should include all family-friendly rights, including the right to request to work flexibly, and protection from unfair dismissal.

There needs to be improved enforcement of statutory rights for all vulnerable workers. For example, increased resources should be devoted to ensuring that zero-hours contract workers are paid at least the national minimum wage for travel time.

The TUC recognises that vulnerable workers are best protected in the workplace if they are represented by a trade union. The TUC calls for an extension of collective bargaining and steps should be taken to ensure that all vulnerable workers have easy access to trade union representation.

“Zero-hours contract workers who offer increased flexibility for employers should be properly recompensed, including being paid for the time that they are on call for their employer.”



CHAPTER 3

THE GENDER PAY GAP

Factors such as discrimination and reduced employment opportunities have substantial impacts on labour market outcomes for older women. Research by the TUC¹² using the Office for National Statistics Annual Survey of Hours and Earnings 2012 has revealed that the gender pay gap is twice as large for women in their 50s as it is for women overall. Note: Tables 6–8 use data from the same annual survey.

Women in their 50s earn nearly a fifth less than men of the same age – the widest gender pay gap of any age group.

Both men and women face falling hourly wage rates when they are in their fifties, as illustrated in Table 6. This decline is somewhat worse for women, with women in their fifties earning less than women in their thirties and forties, whilst men in their fifties earn a little more than men in their thirties. In all age groups, men's median hourly rate is higher than women's.

In all age groups, women are more likely than men to work part-time. Excluding the 16–21 age group, which includes a large number of students in full-time education, the proportion of women workers who are part-time rises steadily and peaks for women over the age of 50.

The fact that nearly half of women over 50 work part-time is important because part-time wage rates are so much lower than full-time (see Table 8).

The majority of women over 50 in part-time work earn less than £10,000 a year. The average salary for all women over 50 is just over £15,000 – and it is less than £11,000 for women over 60.

CASE STUDY: CHARLOTTE'S STORY

Charlotte has worked for her employer, a large retail company, for 14 years and has not had a pay rise since 2006.

“I have reached the top of my grade and would like to explore opportunities for promotion and development. However, being over fifty and a woman in my industry has made this virtually impossible.

“In my region there are 15 stores and just one of those has a female manager. I have gone for interviews and the moment they have clocked my age I can tell they are not going to hire me.

“We may be in the twenty-first century but there is still widespread sexism. Older men are valued for the experience; older women are viewed with suspicion.”

Charlotte says the problem is even worse for low-paid workers.

“You see lots of women who have great potential to progress but who are put off from applying by the lack of female role models in senior positions. Many end up staying on low pay and having to work beyond the State Pension Age.”

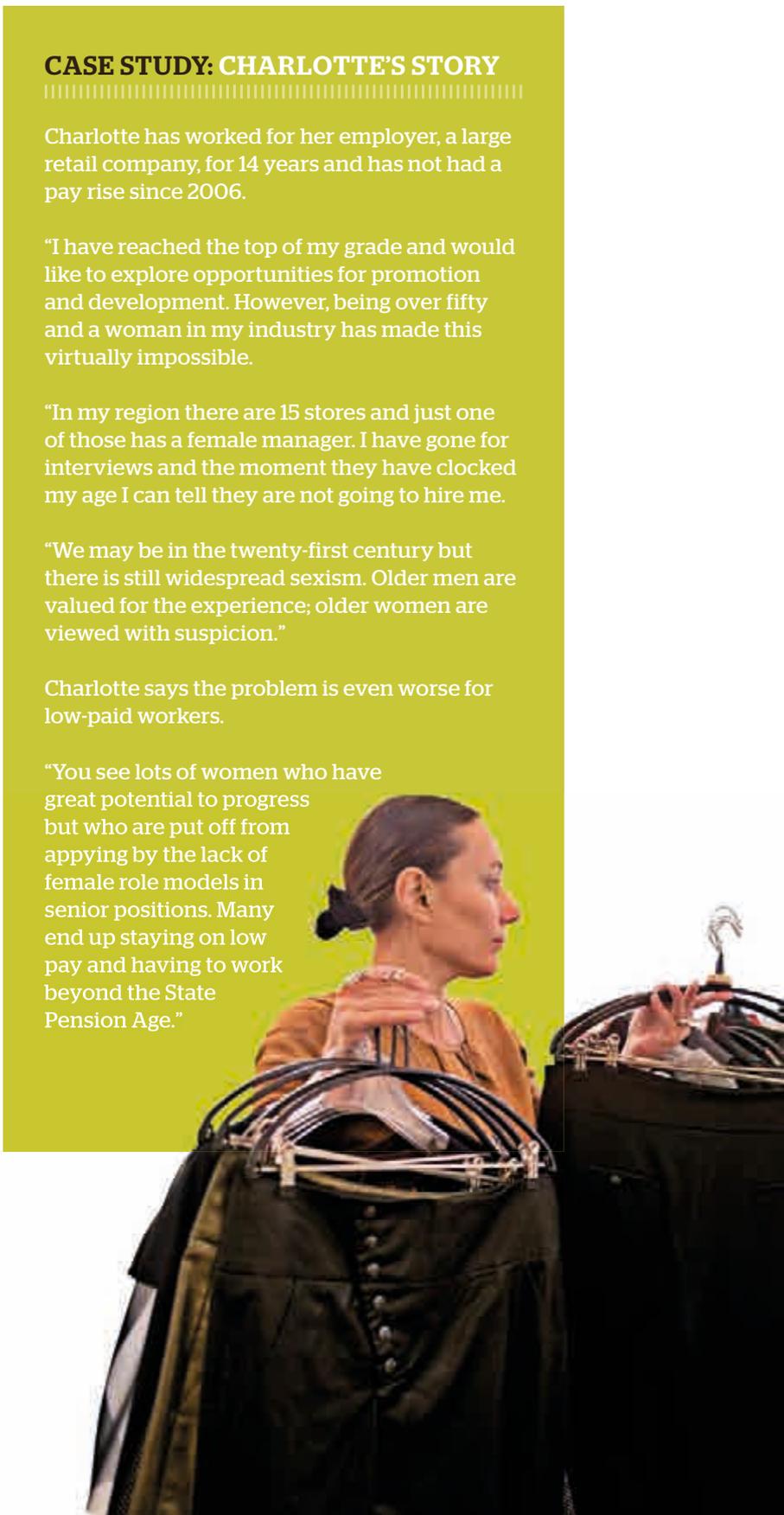


TABLE 6: MEDIAN FULL-TIME HOURLY EARNINGS (EXCLUDING OVERTIME) FOR MEN AND WOMEN AND GENDER PAY GAP BY AGE

Age	Male (£)	Female (£)	Pay gap (%)
16-17	4.39	3.68	16
18-21	7.25	7.15	1
22-29	10.57	10.60	0.3
30-39	14.41	14.26	1
40-49	15.62	13.17	16
50-59	15.01	12.39	18
60+	12.59	11.10	12
All employees	13.60	12.24	10

TABLE 7: WOMEN PART-TIME EMPLOYEES BY AGE, 2012 (000s)

Age	Full-time	Part-time	Proportion part-time (%)
22-29	1,430	594	29.3
30-39	1,606	1,014	38.7
40-49	1,836	1,447	44.1
Over 50	1,729	1,681	49.3
Total	6,868	5,273	43.4

TABLE 8: MEDIAN GROSS HOURLY EARNINGS (PER HOUR, EXCLUDING OVERTIME) BY GENDER, APRIL 2013

	Men (£)	Women (£)
Full-time	13.73	12.25
Part-time	7.95	8.40
All	12.97	10.33

It is striking that the gender pay gap has all but disappeared for young women but the pay gap that opens up around the time that many women have children never closes. Women in their 50s are effectively still paying the price for having taken time out of the labour market and having worked part-time. Many of these women now find themselves still juggling low-paid, part-time work with caring responsibilities. Those that no longer have dependent children may be doing regular care for their grandchildren, elderly parents or a sick or disabled partner.

RECOMMENDATIONS

We need to address the range of issues behind women's low pay throughout the course of their working lives. This means ensuring a better supply of well-paid, high-quality, part-time jobs, more genuinely flexible work available as a day one right, and free universal childcare.

The TUC has consistently called for more employers to adopt the living wage to lift the lowest paid workers out of poverty and for the national minimum wage to be substantially increased. The living wage alone is not the solution. The role of unions in negotiating better pay for all is central to the TUC's campaign for fair pay.

The TUC supports the expansion of collective bargaining and the exploration of different approaches to sectoral pay bargaining, along the same lines as wages councils.

Given the high proportion of women over the age of fifty working in the public sector, it is imperative that the freeze on public sector pay be lifted.

In addition, unions have long argued that our equal pay laws need to be made more effective by placing a duty on employers to carry out regular audits of their pay systems and to take action to narrow any gender pay gaps that cannot be justified.

CHAPTER 4

CARING AND WORKING

It is well documented that women's unpaid work as carers has implications for women's engagement with paid work in the formal labour market and therefore on women's pay, career progression, access to training and promotion, and ultimately, pension savings. While it is certainly true that unpaid care work is not unique to women and that many men also care for family members, it remains the case that the vast majority of unpaid caring is done by women.

As Mary-Ann Stephenson illustrates in her 2012 report, *Getting Off Lightly or Feeling the Pinch?*,¹³ cuts to public expenditure on the NHS and care services has a significant impact on women as users of those services, as employees losing their jobs or facing pay freezes, and also as unpaid carers whose caring responsibilities are increased or complicated by diminishing support services. Stephenson points to chronic underfunding of NHS services for family carers, in particular respite care services, combined with the acute impact of local authority spending cuts, creating gaps in the safety net that are ultimately filled by women. According to Carers UK, those caring for seriously ill and disabled relatives face £1bn in cuts to financial support between 2014 and 2018.¹⁴ The introduction of the 'bedroom tax', the implementation of the benefits cap, and the freeze on means-tested benefits are all measures that have a disproportionate impact on those who are caring for ill or disabled dependants.



OLDER WOMEN, CARING AND EMPLOYMENT

Caring responsibilities have typically been a major reason for older women's non-employment. Around one in eight economically inactive women aged just below state pension age are inactive because they are taking care of their family and/or the home.¹⁵

The Resolution Foundation has noted that people with caring responsibilities are significantly less likely than those without caring responsibilities to be in employment and more likely to be 'economically inactive' and that carers are disproportionately likely to be women and to be over 50.¹⁶

The same report highlighted poor health and caring as “two of the major factors that push older people out of the labour market.”¹⁷ This confirms research for the Department for Work and Pensions¹⁸ a decade ago, which looked at people aged between 50 and state pension age who were not in employment. The researchers found that, for both men and women, this was most commonly due to health or disability (given as their main reason for not looking for paid work by 58 per cent of men and 50 per cent of women.) But the second most common reason for men was that they had retired or were financially secure or simply didn’t want work, with 23 per cent of men (and 20 per cent of women) giving this reason. For women, the second most common reason was that they were looking after their family or home, given by 24 per cent of women – and just three per cent of men.

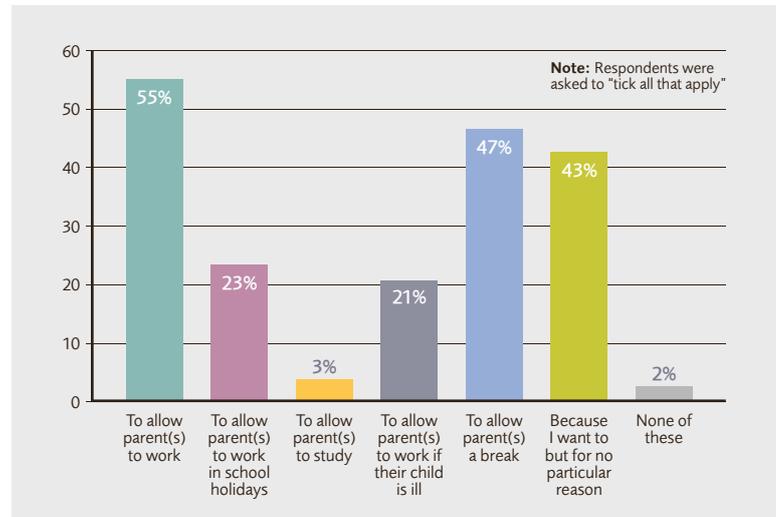
This study was followed by qualitative research, which pointed out the different experiences of men and women, with men tending to care for their partners or children and women caring for parents and grandparents too. The researchers noted the importance of carer-friendly attitudes and the availability of flexibilities that allowed carers to remain in employment:

“Some people’s health problems and caring responsibilities had been taken into account by their employer and they remained in work. Those with positive experiences showed how redeployment, opportunities to negotiate flexible working conditions, retraining or a move into self-employment helped to keep people in work.”¹⁹

CARING FOR GRANDCHILDREN

The reality is that many people who care for others have multiple caring responsibilities. In addition to caring for their parents and grandparents, older women often provide childcare for their grandchildren. The spiralling costs of formal childcare, combined with cuts to the childcare element of tax credits, child benefit and the removal of the ringfence from Sure Start funding, have all added to the pressure on families. Many parents rely on grandparents for informal childcare. The pressure to work enough to make a living and support a family combined with the pressure to be available to care for family members can be immense. As one anonymous respondent to the TUC online survey reported:

FIGURE 2: REASONS WHY GRANDPARENTS CARE FOR THEIR GRANDCHILD(REN) WITHOUT THE PARENT(S) PRESENT



“I use annual leave to care for my grandchild if for example my daughter, who is a lone parent, is unwell. It is becoming increasingly difficult as a lone parent myself to juggle caring for my family members who still live at home, caring for elderly parents and working full-time to support my family financially. I can’t reduce my hours because of the significant impact on the family income and my pension.”

“I’m also worried about impact of the increase in the State Pension Age on my ability to care for elderly parents and a disabled brother who live two and a half hours away. Having the option to retire at 60 would have allowed me to support my daughter back to work and care for my parents and brother but now I am very anxious that we will have to rely on help from outside. I want my parents to be able to stay at home, not go into care because I have to continue to work at a time when they need me most.”

Whereas once a grandmother may have had these caring responsibilities, the expectation was that she would be at home, either never having been in paid employment, or having long since retired. Now workers over 50 – both men and women – are more likely to care for grandchildren if they are working. Polling conducted for the TUC by YouGov in October 2013²⁰ found that 41 per cent of grandparents in full-time work looked after their grandchildren for

up to seven hours per week compared with 34 per cent of grandparents who worked part-time and 36 per cent of those who were retired. Eight per cent of grandparents polled in full-time employment look after their grandchildren for more than 21 hours per week.

The same polling found that the most common reason for grandparents caring for their grandchildren was to allow the parents to work (55 per cent, see Figure 2 on page 17), followed by wanting to 'give the parents a break'. These very practical, economic reasons shouldn't overshadow the fact that many grandparents also enjoy spending time with their grandchildren and it is a pleasure for them rather than an altruistic sacrifice. Forty-three per cent of parents polled said they cared for their grandchildren simply because they want to.

According to Grandparents Plus, from 2009/10 to 2010/11 the number of children receiving informal care from a grandparent rose from 1.3 to 1.6 million – that equates to 14.3 per cent of children aged 0–14 receiving some care from a grandparent.²¹ A recent Working Families survey found that grandparents were the most commonly used providers of childcare.²² Although grandfathers frequently take on caring responsibilities too, it remains the case that the majority of informal grandparent care is undertaken by grandmothers. While the majority of grandparents care for their grandchildren for short periods of time (up to seven hours per week), a significant minority care for their grandchildren for longer periods of time (see Figure 3).

Even short periods of caring can have a significant impact on a grandparent's working life – especially if grandchildren do not live nearby and travel is involved or where it is hard to predict when the grandparent's assistance may be needed due to unpredictable working patterns of the parent. Nearly fifteen per cent of grandparents responding to the TUC YouGov poll reported that they had left their job in order to care for grandchildren (see Figure 4).

FIGURE 3: HOURS PER WEEK GRANDMOTHERS CARE FOR GRANDCHILDREN WITHOUT THE PARENT(S) PRESENT

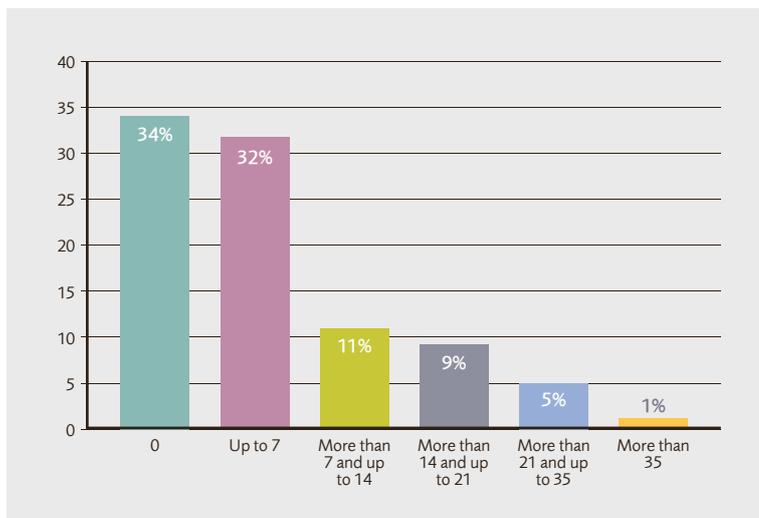
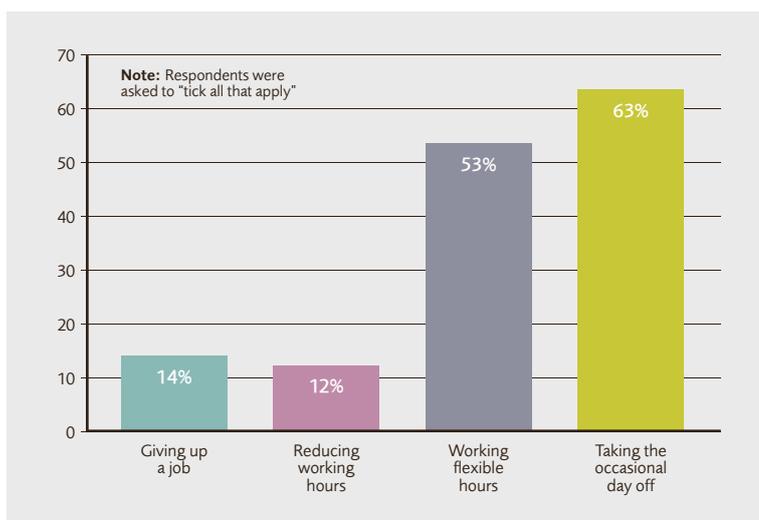


FIGURE 4: WAYS OF TAKING TIME OFF TO CARE FOR GRANDCHILDREN



THE VALUE OF CARE

The value of unpaid caring work is significant. Not only are there clear social benefits in dependants being cared for by loved ones – where the carers are happy to provide the care – there is also a clear economic value to the many unpaid hours of care carried out by friends and family members throughout the country. Age UK and Grandparents Plus estimate the value of grandparents' unpaid caring for grandchildren to be £7.3bn per year.²³

CARING AND WORK: A JUGGLING ACT

Although many employers are now taking a more positive approach to supporting carers in the workplace and recent changes to employment rights have gone some way to normalising flexible working,²⁴ many carers still struggle to balance the demands of working life and caring responsibilities.

The TUC online survey of union members over the age of 50 found that 60 per cent of respondents juggled caring for a family member or a friend with work. Of those, 72 per cent did so on a regular basis.

Ninety per cent of those who had caring responsibilities had requested a change to their working hours in order to accommodate their caring responsibilities (see Figure 5). Eighty per cent had used annual leave to care for a friend or relative and twenty per cent had taken unpaid leave (see Figure 6).

*"My husband had MS, then was diagnosed with aggressive cancer seven weeks before he died. I tried to juggle work and caring for him, but went off sick with stress. There wasn't sufficient flexibility available with my hours for me to be able to juggle both. We get a lot of annual leave which helps to boost time for caring responsibilities, but sometimes the demands of caring outweigh the capacity of time allowed."*²⁵

For those who are faced with a sudden change in their caring responsibilities, for example a sudden illness or accident affecting a family member or a diagnosis of disability of a family member or the death of a dependant, a period of leave or flexible working can help them come to terms with and adapt to their changed circumstances. It also helps to prevent them from dropping out of the labour market because of the immediate crisis and short-term pressures. There have been recent efforts to introduce statutory 'adjustment leave' and 'bereavement leave' through amendments to the Children and Families Bill, which the TUC and organisations such as Working Families have supported.

FIGURE 5: CHANGES IN WORKING PATTERNS REQUESTED BECAUSE OF CARING RESPONSIBILITIES

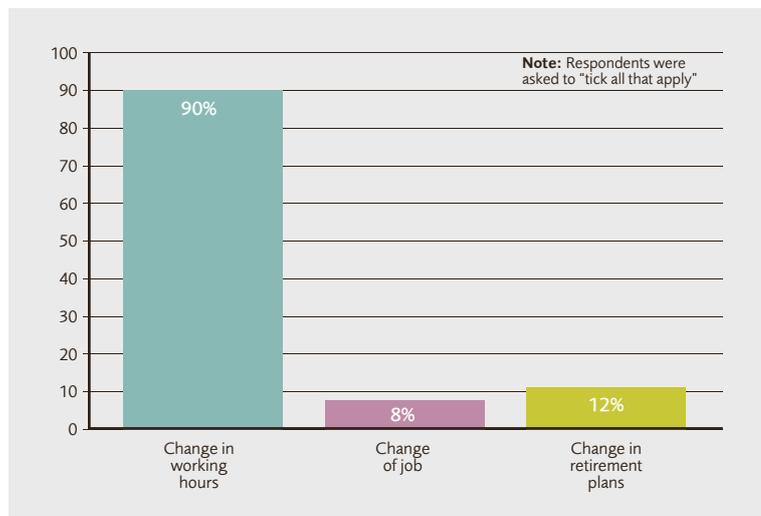
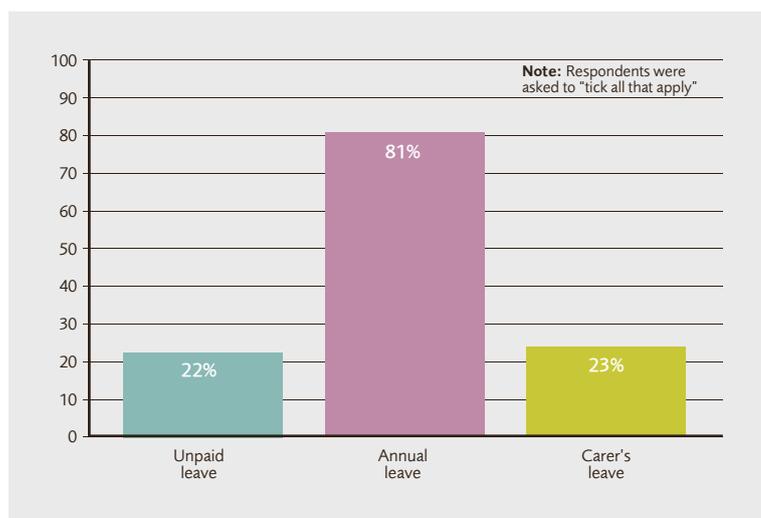


FIGURE 6: TYPES OF LEAVE TAKEN BECAUSE OF CARING RESPONSIBILITIES



The TUC online survey highlighted that employees often have caring responsibilities for a wide range of family members and friends (see Figure 7 on page 20). Parents are the group most often cared for by older workers. Interestingly, children are the next biggest group. The YouGov polling carried out by the TUC also reflected the changing age profile of parents. More than one third of parents aged between 45 and 54 have school-age children.²⁶

As one union member explained, employers may have preconceptions that women in their 50s have finished their child-rearing years and may be unsympathetic to requests for flexible working or other accommodations relating to childcare needs.

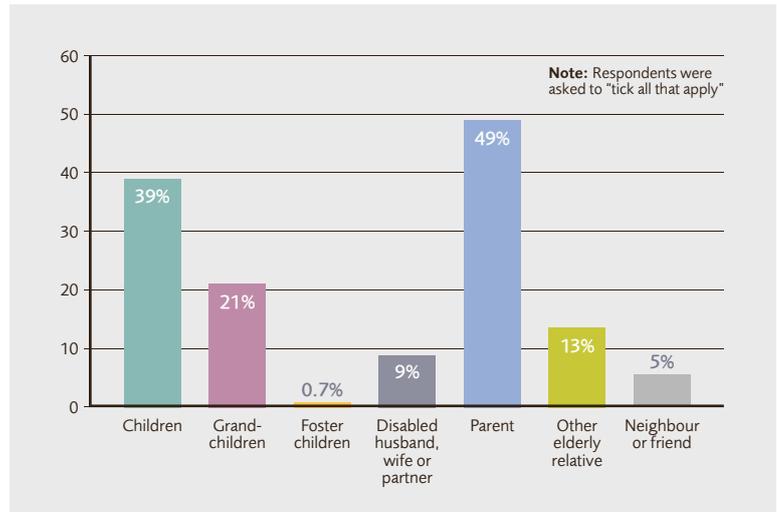
*"I'm over 50 with a small child (aged 9). I put my career before children so had a child later in life and I am now a single parent juggling my own childcare arrangements with a senior position at work. My employer finds this difficult as it is expected that managers in senior positions will have a heavier workload to manage. I do too, but there is a finite number of hours in the day and there seems to be little understanding of the competing demands I face."*²⁷

Given that nearly half of all births were to mothers aged 30 and above²⁸ and one in 25 babies is born to a mother over the age of 40, it is perhaps less surprising that women in their early fifties are still caring for their children.

35%

The percentage of parents aged 45-54 who have school-age children

FIGURE 7: WHO ARE WORKERS OVER 50 CARING FOR?



RECOMMENDATIONS

More support must be given to carers and the solutions to the problems faced by carers in the workplace must recognise that there are different types of working carer with their own different needs.

The TUC supports the call made by Carers UK for five to ten days of paid carer's leave per year or those caring for dependants.

In recognition of the significant and growing number of grandparents who juggle work with helping to care for grandchildren, consideration should be given to introducing an unpaid leave entitlement, similar to parental leave, which could be used up to the child reaching 18.

The TUC calls for a period of paid statutory 'adjustment leave' and 'bereavement leave' for sudden changes to caring responsibilities and crisis situations.

FLEXIBLE WORKING

Lack of flexible working for both parents and grandparents can be a significant obstacle in balancing caring and work responsibilities. It is worth noting that women are more likely than men (79 per cent of women compared to 72 per cent of men) to be aware of their right to request flexible working and workers aged 60+ are more likely to be aware of the right than younger colleagues (81 per cent falling to 58 per cent among those aged 16–24).²⁹ Unsurprisingly, those who were a member of a trade union were far more likely to be aware of the right (81 per cent compared to 73 per cent of non-union members). Ninety two per cent of those over the age of 60 were aware that carers had a specific right to request flexible working.

The TUC welcomes the extension of the right to request flexible working to all employees through the Children and Families Bill from 2014.³⁰ However, the right to request has its limitations. Namely that it only applies to employees with more than 26 weeks' service, whereas many working parents and carers need flexible working from day one or they cannot enter work. More needs to be done to encourage jobs to be designed and advertised on a flexible basis and to encourage conversations about flexible working at the point of recruitment.

It should also be noted that the right to request flexible working is just that – a right to *request*. An employer may legitimately turn down the request for a whole host of reasons, from the burden of additional costs, to an inability to reorganise work among existing staff, to an inability to meet customer demand. A woman whose request is refused may be able to claim indirect sex discrimination, as women are more likely to be carers and be put at a particular disadvantage by requirements to work set hours, but this is by no means straightforward. Also, since the introduction of tribunal fees in 2013, tribunal claims have become prohibitively expensive for many workers to pursue.



The fact that a request can only be made once within a 12-month period under the statutory right can also prove problematic for those trying to balance care and work. Situations can change within a short space of time and the TUC believes employers need to be encouraged to adopt policies that allow more requests to be made and to commit to responding to such requests more promptly than the three-month time limit under the statutory right to request. It is hoped that forthcoming Acas guidance that accompanies the new statutory Code of Practice on flexible working will encourage such an approach.

Carers may be reluctant to ask for flexible working in the current economic climate for fear of possible repercussions and impact on earnings.

“I am worried about asking for too much time off due to current cut backs. I also worry about loss of earnings. If my caring responsibilities become more demanding I would have to leave work, which would affect not just my earnings but also my pension.”³¹

The data on the number of requests being made by and granted to women is encouraging – 28 per cent of women employees surveyed in the *BIS Work/Life Balance survey 2012* had made a request to work flexibly and 62 per cent of women requesting flexible working arrangements had had their request granted by their employer. Yet anecdotal evidence from union reps suggests that, in reality, flexible working arrangements are not always easy to negotiate.

Even once a flexible working arrangement has been requested and agreed with an employer, unions and organisations that provide employment helpline services report many cases where these arrangements are revoked arbitrarily. The *TUC Equality Audit* in 2011 included a survey of workplace representatives in which the majority reported that it had become harder to secure flexible working arrangements since the recession and change of government. Although it is a breach of contract to revoke a flexible working agreement and could be indirect sex discrimination, in practice workers feel they have very little remedy and that they face the unenviable choice of “accept the new conditions or lose your job”.

Frustration with the lack of flexible working was evident in focus groups held by the TUC and Grandparents Plus in 2012.

CASE STUDY: JOSUNE'S STORY

Josune Arzalluz's story is an all too familiar one. When she asked her employer if she could change her hours to look after her grandson, she was initially turned down.

“I was told there was no option for me to change my hours which was very frustrating. I wanted to support my daughter who had just got a full-time job and spend time with my grandson.

“History was repeating itself. When I became a mother I was denied flexible hours and when I became a grandmother the same thing was happening again.”

Josune's union, the CWU, intervened and she now spends two days a week looking after her grandson Kayden.

“I am one of the lucky ones. There are many women still being forced to choose between providing care and having a decent job.”

Josune says that being allowed to work flexibly has made a huge difference to her and her daughter's life.

“I didn't get to look after my kids much when they were young because I was always working. With Kayden I have been given a second chance.

“Having me on hand has also allowed my daughter Janire to get a full-time job and pursue her career. The cost of childcare is so expensive nowadays and without my support she simply wouldn't have been able to do this.”

Chris, a 57-year-old journalist and parent of a school-age child, said: "I don't see any flexibility from employers; in fact, quite the opposite."

Duncan, a 34-year-old father of a young child and a manager, said: "Me and my partner both requested flexible working. Initially my partner's boss was fine and now it seems there's a problem."

Jane, a grandmother who does 24 hours of childcare per week for her grandchildren, said: "They [her employer] should be leading the way with family-friendly policies. Until you ask for it and the answer is 'no'. But I pushed and got it in the end. On the company's website it sounds great. All the policies are there. But in reality you have to fight for it."

The forthcoming extension of the right to request flexible working to all is a welcome development. Unions have long campaigned for a universal right to request because they believed this would increase demand for it and encourage more employers to collectively negotiate supportive policies and look again at job design and the organisation of working hours. But as the focus groups and stories from trade union representatives and helpline services have shown, flexible working is far from being a reality for many employees, including many carers who cannot work without it.

The TUC was disappointed that the opportunity was not taken to remove the 26-week qualifying period for the right to request in the Children and Families Bill. This must be reviewed again if other measures to open up more jobs to flexible working do not have a significant impact.

RECOMMENDATIONS

The TUC believes that the public sector needs to take a lead and commit to advertising all jobs on a flexible basis, particularly given the very high numbers of older women who work in public services.

Private sector employers should commit to discussing flexible working from the point of recruitment. For example, they should sign up to initiatives such as the trial of a 'Happy to Talk Flexible Working' strapline for recruiters and employers and the development of flexible working recruitment specialists such as Timewise.



CHAPTER 6

TRAINING OPPORTUNITIES

In 2011 the Chartered Institute for Personnel and Development reported that older workers are much less likely to receive training, with 51 per cent of those aged over 65 saying that they had received no training in the last three years, compared to 32 per cent across all age groups.

Interestingly, this is an area where older men appear to face greater disadvantage than women. Academic research suggests that women employees are more likely to benefit from training opportunities in the workplace and workplaces with a high proportion of women employees are more likely to offer training.³² While women are not necessarily in a worse position than their male colleagues when it comes to accessing training, anecdotal evidence suggests that many older women feel that training opportunities are not open to them. Research by The Age and Employment Network (TAEN) found that women jobseekers were significantly more likely than men to disagree with the statement "I have every opportunity to upgrade my skills to fit the needs of today's employers". Nearly half of the women surveyed disagreed with this statement compared to one third of men.³³

Union members surveyed as part of the TUC's Age Immaterial project also cited lack of training in the workplace as an issue.



"My manager does not approve my training (either external or internal) requests. As a result I cannot develop my skills – either to develop within my current workplace or in order to leave to work elsewhere. I feel I am de-skilling and the service I offer to patients is not developing as it could."³⁴

As well as a perception that managers may block training requests for older women, some women also identify their own confidence as a barrier to accessing learning opportunities in the workplace. A participant in a unionlearn project³⁵ reported that she felt 'too old' to undertake new training and development opportunities in spite of regular emails from her employer offering her courses.

The fact that women over 50 are more likely to work part-time may well have a negative impact on their access to training in the workplace. Part-time workers are entitled to training and have legal protection against discrimination, yet part-time workers often find it harder to fit training courses into a shorter working day or week and they may find themselves overlooked by managers who are unaware of their duty to provide equal access to training for all employees.

Training is all too often overlooked by employers but it should be central to any discussion about older women's position in the labour market. Training should not be seen as a "nice to have" perk or a reward for those who perform well. Without training, those women who are trapped in low-paid work have very little chance of ever progressing in their careers or developing new skills which could open doors to new careers.

Improving access to learning opportunities is an area where trade unions do and should have a good deal of leverage. The unionlearn project has explored the role of union learning reps (ULRs) in carrying out mid-life career reviews. The project involved training a cohort of ULRs

to carry out mid-life reviews in the workplace. Each ULR was tasked with carrying out eight mid-life career reviews and recording the outcomes. Union learning reps already have a clear role in identifying learning needs in the workplace, negotiating training with employers, and signposting learners to courses. This project adds an important new dimension to the role of the ULR in considering the specific needs of workers in specific age groups and working with employers to ensure that the training needs of older workers are not overlooked.

RECOMMENDATIONS

Workplace learning surveys and mid-life career reviews are useful tools for union learning reps to gauge whether age is acting as a barrier to training or development opportunities.

Employers should review their training programme and procedures to ensure that older workers are given the same opportunities as others in the workplace.

51%

The percentage of people over 65 who say they have received no training in the last three years



CHAPTER 7

HEALTH AND WELL-BEING

While health issues affect all workers, there are some specific issues that particularly affect older women and are often neglected or overlooked by employers.³⁶ Women are more likely to suffer from stress in the workplace. An HSE survey into self-reported workplace illness found incidences of work-related stress, anxiety and depression to be higher amongst women than men in most age groups. Women aged 45–54 reported higher levels of work-related stress, depression and anxiety than all other age groups.³⁷ While this may in part be explained by women feeling it is more socially acceptable to talk about how they feel than men, some of it may also result from the pressures of juggling work and caring responsibilities.

Another cause of stress and physiological symptoms for many older women is the menopause. The TUC has long argued that the menopause is a workplace health issue that is all too often overlooked by employers. The average age for the onset of the menopause is 51–52 and the period of hormonal change before, during and after the menopause can last for six years. While many women may go through the menopause with relatively little discomfort, many others report a range of symptoms from the well-known (hot flushes and irritability) to the less well-known (sleep disturbances, fatigue, depression, anxiety, impaired memory). In a survey carried out for the British Occupational Health Research Foundation in 2010,³⁸ women were asked about their own perception of the impact of these symptoms on their work.

TABLE 9: PERCENTAGE OF WOMEN REPORTING MENOPAUSE SYMPTOMS AFFECTING WORK

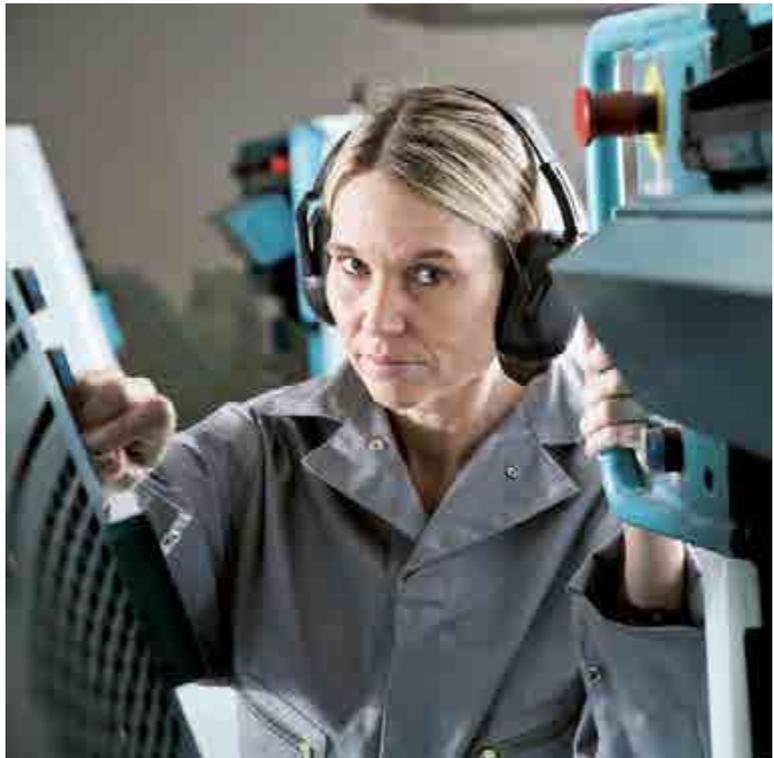
Symptoms	%
Poor concentration	51
Tiredness/poor memory	51
Feeling low/depressed	42
Lowered confidence	39
Sleep disturbances	37
Irritability	36
Hot flushes	35

Seventy per cent of those surveyed had not disclosed to their manager the fact that they were experiencing symptoms relating to the menopause. When asked what adjustments could be made at work, seventy-five per cent said it would help if their manager was more aware of the issue and sixty-three per cent said that flexible working would help them cope with symptoms. The fact that women do not tend to disclose the fact that they are menopausal to their managers, yet they would like their managers to be more aware of the issue, points to the fact that the menopause is still a taboo issue for many people.

75%

The percentage of women who said it would help if their manager was more aware of the menopause

“I would actually be very worried that people would think that my work performance was not up to scratch, which it isn’t. I am not performing as well as I used to, I am sure. I would be worried about that and I would think that somebody might pick up on it, might criticise me for it. I sort of think to myself ‘I am not getting any younger’. Would they think that maybe they ought to have somebody a bit more on the ball and young? So, you know, it’s quite an anxiety” (Respondent to survey, aged 54)



As the quote (above) illustrates, the knowledge that symptoms may be affecting performance can cause additional anxiety.

Many unions have taken up the health and safety issues relating to the menopause in recent years and have negotiated policies and set up women’s health days in branches in order to raise awareness about a range of gender-specific health and safety concerns. The TUC coordinates a Gender and Occupational Safety and Health (GOSH) group, which has organised a seminar on the menopause and produced guidance in the form of a checklist³⁹ for union reps.

The consequences of ignoring the impact of the menopause on a woman employee can be severe. At a 2011 TUC seminar on the menopause, several union reps reported that they had represented women who were facing disciplinary action due to poor performance or absences from the workplace that were in fact due to menopause symptoms.

RECOMMENDATIONS

- Employers should ensure that all line managers have been trained to be aware of how the menopause can affect work and what adjustments may be necessary to support women who are experiencing it. The menopause should feature in wider occupational health campaigns so all staff know that the employer has a positive attitude to the issue.
- Sickness absence procedures should be flexible enough to cater for menopause-related sickness absence. Women should experience no detriment simply because they may need time off during this time.
- Working time arrangements should be flexible enough to ensure that they meet the needs of menopausal women, who may require to leave work suddenly.
- Risk assessments should consider the specific needs of menopausal women and ensure that the working environment will not make their symptoms worse. Issues that need looking at include temperature and ventilation. The assessments should also address welfare issues such as toilet facilities.

CHAPTER 8

AGE AND SEX DISCRIMINATION

There is strong evidence that discrimination on the grounds of age and gender continues to disfigure the world of work and that older women face a double disadvantage. Furthermore, many older women carry a 'multiple burden' of caring for children, partners, parents and grandchildren, which can substantially limit their ability to remain in paid employment.

Age discrimination is a persistent problem for older women. Research in 2009–10 by Metcalf and Meadows⁴⁰ found that two per cent of employers included a preferred age range in their job advertisements and two fifths asked about applicant's age in the recruitment process. The authors noted that "the potential for discrimination is illustrated by the finding that 23 per cent of respondents thought that some jobs in their establishment were more suitable for certain ages than others."

Recent high profile cases of age and sex discrimination, such as the case against the BBC brought by television presenter and Labour Party Older Women's Commissioner Miriam O'Reilly, have helped to raise the profile of age and sex discrimination in the media and entertainment industry. Age and sex discrimination are a cause for concern for unions in all sectors, not just the media. Teaching is just one example of a profession where there is increasing concern about older teachers (a workforce which is predominantly female) being 'managed out' on competency or health grounds. A recent NASUWT survey of members over the age of 50 found that nearly two fifths of respondents had encountered job adverts which suggested that older teachers were discouraged from applying. Ten per cent of respondents reported that they had been told by senior management that their

CASE STUDY: LAUREN'S STORY

Age discrimination shows little sign of disappearing from the workplace and can have a hugely scarring effect on its victims' careers.

When Lauren, a half-post senior lecturer applied for a full-time position at her university, she was confident of getting it. She had a PHD in her field, over 20 years of experience and ticked all the right boxes.

Management, however, had different ideas and appointed a recent graduate to the post.

"I was surprised that they opted for someone with far less inexperience than me but didn't think there were any sinister motives behind their decision. I should have been more suspicious", she says.

When Lauren was rejected for the same position several years later she knew something was deeply wrong.

"I knew that I met all the criteria for the job and that the person I was up against (a recent student of mine) didn't. There was no rational reason for them not to give it to me.

"I realised then that I was being discriminated against because of my age. I had lost out twice to much younger candidates who were far less qualified than me."

The experience left Lauren feeling humiliated and depressed and she ended being off work for three months.

"I still feel totally undermined and am contemplating early retirement. I work in a very specialised area and there are simply no other jobs out there in my field unless I uproot my family and move to the other end of the country."



age would be a barrier to their future professional progression. Nearly one third of respondents reported that they had been subject to negative comments about their professional ability or competence on the grounds of their age.⁴¹

Incidents of older women being 'managed out' on health grounds are frequently cited by union reps in discussions about age and gender in the workplace. Concerns about fitness tests in professions where a physical fitness is crucial to the job role are frequently raised. The case of *Martin v SS Photay & Associates* (2007)⁴² is an example of a particularly insensitively handled dismissal of a 70-year-old on the grounds that she had "fallen into the high risk category for health and safety" due to her age. These claims were made without any supporting medical evidence and an employment tribunal concluded that the dismissal was purely on grounds of age. In this case the bad news was delivered by means of a note left in Mrs Martin's cleaning cupboard two days after her 70th birthday.

The TUC and affiliated unions were critical of the failure to introduce a clear provision allowing discrimination claims to be brought on a combination of protected characteristics in the Equality Act 2010. The Labour government introduced a very limited provision that only allowed two grounds to be combined and only allowed combined claims to be brought in cases of direct discrimination. The coalition government failed to even implement this provision.

“Research in 2009-10 by Metcalf and Meadows found that two per cent of employers included a preferred age range in their job advertisements and two fifths asked about applicant’s age in the recruitment process.”

Making it clear that a claim could be brought on a combination of characteristics would have been an important step forward in recognising the particular problems that many older women face. An older woman who believes she is being discriminated against at work because she has been passed over for promotion or is subject to harassment or disparaging comments may well be discriminated against because of both her sex and her age. If her older male colleagues and her younger female colleagues appear receive more favourable treatment (as often appears to be the case with older male and younger female TV presenters), it is entirely possible that the discrimination relates to both her age and her sex.

86%

The percentage drop in the number of sex discrimination claims made by women in 2012-13

CASE STUDY: AGE DISCRIMINATION IN THE WORKPLACE

KOH V SAINSBURY'S SUPERMARKETS (2009)⁴⁵

In *Koh V Sainsbury's Supermarkets* a 52-year-old woman who had been employed by Sainsbury's for 22 years successfully claimed direct age discrimination after a new manager made discriminatory comments relating to her age. The manager constantly found fault with her work and referred to Miss Koh's age, suggesting that as she had only a few years left to retirement, she should think about doing something less responsible, stressful and demanding. He implied that she was old and past it. He also proposed that she step down as duty manager, stating that she was physically unable to cope with the shopfloor because of her age.

An employment tribunal found that there was direct age discrimination. The tribunal found that the comments stereotyped someone of Miss Koh's age. It stated: "Self-evidently they would not have been said to someone younger. Self-evidently they constituted less favourable treatment in that they linked the claimant's age with unsatisfactory performance and suitability to perform her job." The tribunal awarded £7,500 for injury to feelings.

However, it is possible for older women to seek redress by submitting claims for both age and sex discrimination and many employment judges will take a holistic look at what happened in the workplace rather than considering each claim completely separately.⁴³ By far the biggest barrier that older women who experience discrimination at work now face are the huge fees they have to pay to get their claim heard at an employment tribunal. Since the introduction of fees in summer 2013 there has been a significant drop in all discrimination claims. In September 2012, 207 age discrimination claims and 938 sex discrimination claims were submitted to the employment tribunal service, a year later this had fallen to 46 age claims and 129 sex claims.⁴⁴ This is not just bad news for those victims who have been unable to seek a remedy, but it is bad news for all our workplaces as employers are given a green light to discriminate with little fear of any enforcement action.

RECOMMENDATIONS

- ▶ In order to ensure that women who face discrimination in the workplace due to their age and sex are able to seek justice, employment tribunal fees must be removed.
- ▶ To raise awareness of the combined age and sex discrimination older women often face, the Equality Act 2010 should be amended to enable all kinds of combined discrimination claim.

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